



Administrative Regulation

Gifts & Gratuities

Policy #	03-01.10
Effective Date:	August 30, 2021
Revision Date:	N/A
Owner:	Human Resources

Purpose:

This policy is meant to provide employees and managers with an understanding of the City's expectations and the applicable state law regarding gifts and gratuities.

Scope:

This regulation applies to all employees, officers, volunteers, interns, councilors, or agents of the City. Hereafter referred to as employee.

Policy:

Occasionally City employees are offered personal gifts, discounts, or gratuities in connection with their City employment. While such offers may be made in good faith, it is important that everyone representing the City avoid any appearance of impropriety. The acceptance of personal gifts or other benefits by City employees or members of their immediate *family* or household may give an improper appearance. City employees as defined in this administrative regulation are personally responsible for ensuring that their actions comply with state law.

With respect to gifts, the Oregon Government Ethics law does not prohibit City employees from accepting gifts, but it does place on each individual *public official* a direct and personal responsibility to understand that there are circumstances when gifts may be restricted. Oregon Government Ethics law restricts some choices, decisions, or actions of public officials. The restrictions placed on public officials are different than those placed on private citizens because service in a public office is a public trust and the state ethics laws were enacted to provide one safeguard for that trust. The Oregon Government Ethics Commission and City Attorney are available to provide additional information about the requirements of state law.

This Administrative Regulation is not intended to be comprehensive and cover every example of gifting. Please refer to the state's Guide for Public Officials for further explanation and examples.

Some departments may have gift policies that are more restrictive than this administrative regulation or state law. Employees are expected to comply their department policies, as well as this regulation and state law.

Procedure:

1. Gifts and Gratuities

1.1. Oregon Government Ethics law allows public officials to accept the following:

- 1.1.1. Official compensation and reimbursement of expenses by an employer;
- 1.1.2. Allowed *honorarium* and unsolicited awards for professional achievement;
- 1.1.3. Gifts of less than \$50 in a calendar year from sources with a legislative or administrative interest. Under no circumstances may gifts in this category exceed \$50 per calendar year from any one source;
- 1.1.4. Unlimited gifts from sources with no *legislative or administrative interest*;
- 1.1.5. Gifts of appreciation with a resale value reasonably expected to be less than \$25;
- 1.1.6. Items that are expressly excluded from the state's definition of gift.

1.2. Employees may accept promotional items of little or no value that are offered uniformly to all attendees at a conference, meeting or other event, that are meant to be used during the course of the event (i.e. pens, pencils, notebooks, notepads, cloth or canvas tote bags, snack foods, etc.).

1.3. Employees may accept discounts from vendors when those discounts are offered to all public employees so long as the vendor does not have a legislative or administrative interest in their decisions.

1.4. Divisions and departments may accept small gifts on behalf of the office that are meant to be shared among employees, such as candy, homemade treats or flowers. However, employees must be mindful of the state law limiting gifts from certain sources to \$50 per calendar year or less.

1.5. Employees who attend events, meetings, and ceremonies in their official, representative capacity for the City may accept cost of admission, entertainment, food, and beverage that are incidental to the main purpose of the event. Examples include NAACP and United Way.

1.6. Employees may accept City-sponsored gifts and raffle prizes including those provided through fundraising efforts, employee groups, and programs such as the annual benefits fair and Springfield Employees Etc. (SEE).

2. No Solicitation

2.1. Employees shall not solicit directly or indirectly any gift or gratuity, regardless of value, for personal use or benefit.

- 2.2. Employees shall not accept directly or indirectly any gift or gratuity, regardless of value, that is offered based on an understanding that an official action or judgment of the employee would be influenced.

3. Reporting Gifts and Gratuities

- 3.1. It is the employee's responsibility to keep track of all gifts and gratuities received.
- 3.2. Employees who are uncertain about whether they can receive a particular gift, gratuity or other personal benefit should review the Oregon Government Ethics rules and consult with the City Attorney's Office.

Definitions

1. "*Gift*" is defined by Oregon statute as something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate: (A) Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or (B) For valuable consideration less than that required from others who are not public officials or candidates.
2. "*Honorarium*" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.
3. "*Legislative or administrative interest*" means an economic interest, distinct from that of the general public, in: (a) Any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official; or (b) Any matter that would be subject to the decision or vote of the candidate who, if elected, would be acting in the capacity of a public official.
4. "*Member of household*" means any person who resides with the public official or candidate.
5. "*Public Official*" is defined by Oregon Revised Statutes (ORS) 244.020 as "any person who is serving the State of Oregon or any of its political subdivisions or any other public body of the State as an officer, employee, agent, or otherwise and irrespective of whether the person is compensated for such services." An "*agent*" means any individual performing governmental functions. Governmental functions are services provided on behalf of the government as distinguished from services provided to the government. This may include private contractors and volunteers, depending on the circumstances. (see OAR 199-005-0035)

6. “*Relative*” means: (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate; (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate; (c) Any individual for whom the public official or candidate has a legal support obligation; (d) Any individual for whom the public official provides benefits arising from the public official’s public employment or from whom the public official receives benefits arising from that individual’s employment; or (e) Any individual from whom the candidate receives benefits arising from that individual’s employment.
7. “*Source*” is the person or entity that makes the ultimate and final payment of the gift’s expense. OAR 199-005-0030 places two burdens on a public official who accepts gifts. The public official must know the identity of the source and, if applicable, avoid exceeding the limit on the aggregate value of gifts accepted from that source. [OAR 199-005-0030(2)]

Resources:

1. Standards of Conduct Administrative Regulation
2. [Oregon Government Ethics Commission \(OGECE\)](#)
3. [Guide for Public Officials](#)
4. [Oregon Government Ethics Statutes](#) – ORS Chapter 244

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.

Approved By:	Nancy Newton, City Manager	Dates:	8/30/21
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	Admin Reg Number 4 issues Sept 9, 1996		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
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REVISIONS:

Version #2:	Responsible Party:			
	Revised By:			
	Approved By:		Date:	
	Reason/Summary of Changes:			